

AMENDED IN SENATE JUNE 26, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1017

Introduced by Assembly Member Goldberg

February 20, 2003

An act to add Sections 59001.2, 59001.4, 59009, 59010, 59011, and 59012 to the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1017, as amended, Goldberg. Teachers: hiring preferences: instructing deaf pupils.

Existing law establishes the California School for the Deaf as part of the public school system and provides that the object of the school is the education of the deaf who, for specified reasons, cannot be provided an appropriate educational program and related services in the regular public schools.

This bill, commencing with the 2004–05 school year, would set forth hiring criteria for purposes of hiring an individual as a certificated employee to instruct deaf pupils at the California School for the Deaf. The bill would establish a hiring preference for certificated individuals who achieve a minimum score of 4 on the American Sign Language Proficiency ~~Index~~ Interview (ASLPI) or an equivalent score on ~~the Sign Communication Proficiency Interview (SCPI)~~ or on an alternate test, as specified. The bill would prohibit an individual from being hired as a certificated employee to instruct deaf pupils, unless the individual

achieves a specified minimum score on one of those assessments. The bill would also establish hiring preferences, based on scores received on those assessments, for substitute teachers who are hired by the California School for the Deaf.

The bill would require a certificated employee who instructs deaf pupils and who has not achieved a minimum score of 4 on the ASLPI or an equivalent score on ~~the SCPI or~~ the alternate test to retake the assessments every three years as specified. The bill would require the California School for the Deaf to reimburse a certificated employee for the assessment fee if the employee receives a minimum score of 4 on the ASLPI or an equivalent score on ~~the SCPI or~~ the alternate test.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 59001.2 is added to the Education Code,
2 to read:

3 59001.2. The Legislature finds and declares all of the
4 following:

5 (a) It is essential for the well-being and growth of deaf and
6 hard-of-hearing pupils that educational programs recognize the
7 unique nature of deafness and ensure that all deaf and
8 hard-of-hearing pupils have appropriate, ongoing, and fully
9 accessible educational opportunities.

10 (b) It is essential that a deaf or hard-of-hearing pupil obtain an
11 education in which special education teachers, psychologists,
12 speech therapists, assessors, administrators, and other school and
13 residential program personnel understand the unique nature of
14 deafness and are trained to work with a deaf or hard-of-hearing
15 pupil.

16 (c) It is essential that a deaf or hard-of-hearing pupil obtain an
17 education in which his or her special education teachers are
18 proficient in the primary language mode of that pupil.

19 (d) It is essential that a deaf or hard-of-hearing pupil obtain an
20 education in which his or her parents are involved in determining
21 the extent, content, and purpose of programs.

22 (e) It is essential that a deaf or hard-of-hearing pupil, like all
23 pupils, have programs in which his or her unique vocational needs

1 are provided for, including appropriate research, curricula,
2 programs, staff, and outreach.

3 (f) Each deaf or hard-of-hearing pupil should receive an
4 education that allows him or her to master a primary language.

5 SEC. 2. Section 59001.4 is added to the Education Code, to
6 read:

7 59001.4. It is the intent of the Legislature that programs at the
8 California School for the Deaf provide all of the following:

9 (a) Each pupil should be assured an education appropriate to his
10 or her needs in publicly supported programs through completion
11 of his or her prescribed course of study or until the time that he or
12 she has met proficiency standards.

13 (b) Each pupil should have his or her educational goals,
14 objectives, special education, and related services specified in a
15 written individualized education program.

16 (c) Procedures and materials for assessment and placement of
17 individuals with exceptional needs should be selected and
18 administered so as not to be racially, culturally, or sexually
19 discriminatory. No single assessment instrument should be the
20 sole criterion for determining placement of a pupil. The
21 procedures and materials for assessment and placement should be
22 in the individual's mode of communication . All assessment
23 materials and procedures should be selected and administered
24 pursuant to Section 56320.

25 (d) Psychological and health services for individuals with
26 exceptional needs should be available to each schoolsite.

27 (e) Continuous evaluation of the effectiveness of these
28 education programs should be made to ensure the highest quality
29 educational offerings.

30 (f) Appropriate qualified staff should be employed, consistent
31 with credentialing requirements, to fulfill the educational
32 responsibilities, and positive efforts are made to employ qualified
33 deaf and hard-of-hearing individuals.

34 (g) Educational and residential program personnel should be
35 adequately prepared to provide educational instruction and
36 services to individuals with exceptional needs in the appropriate
37 communication mode, including American Sign Language.

38 (h) There should be appropriate access to information and
39 training in American Sign Language for parents and pupils to

1 ensure that they are able to appropriately communicate with their
2 families.

3 SEC. 3. Section 59009 is added to the Education Code, to
4 read:

5 59009. During the 2004–05, 2005–06, and 2006–07 school
6 years, for purposes of hiring a certificated individual to instruct
7 deaf pupils, preference shall first be given to a candidate who
8 achieves a minimum score of 4 on the American Sign Language
9 ~~Proficiency Index (ASLPI) or an equivalent score on the Sign~~
10 ~~Communication Proficiency Interview (SCPI) or on an alternate~~
11 ~~Proficiency Interview (ASLPI) or an equivalent score on an~~
12 ~~alternate test selected by the American Sign Language evaluation~~
13 ~~committee Competency Evaluation Committee~~ of the California
14 School for the Deaf that assesses American Sign Language
15 linguistic competency.

16 SEC. 4. Section 59010 is added to the Education Code, to
17 read:

18 59010. (a) Commencing with the 2004–05 school year, an
19 individual may not be hired as a certificated employee to instruct
20 deaf pupils, unless the individual achieves a minimum score of 2.5
21 on the American Sign Language Proficiency ~~Index Interview~~
22 ~~(ASLPI) or an equivalent score on the Sign Communication~~
23 ~~Proficiency Interview (SCPI) or on an alternate test selected by the~~
24 ~~American Sign Language evaluation committee Competency~~
25 ~~Evaluation Committee~~ of the California School for the Deaf that
26 assesses American Sign Language linguistic competency.

27 (b) Commencing with the 2005–06 school year, an individual
28 may not be hired as a certificated employee to instruct deaf pupils,
29 unless the individual achieves a minimum score of 3 on the ASLPI
30 or an equivalent score ~~on the SCPI or~~ on an alternate test, as
31 described in subdivision (a).

32 (c) Commencing with the 2006–07 school year, an individual
33 may not be hired as a certificated employee to instruct deaf pupils,
34 unless the individual achieves a minimum score of 3.5 on the
35 ASLPI or an equivalent score ~~on the SCPI or~~ on an alternate test,
36 as described in subdivision (a).

37 (d) Commencing with the 2007–08 school year, an individual
38 may not be hired as a certificated employee to instruct deaf pupils,
39 unless the individual achieves a minimum score of 4 on the ASLPI

1 or an equivalent score ~~on the SCPI or~~ on an alternate test, as
2 described in subdivision (a).

3 (e) The minimum score requirements specified in subdivisions
4 (a) to (d), inclusive, may be waived by the superintendent of the
5 school if he or she certifies that no candidate who meets those
6 requirements has applied to instruct deaf pupils and open positions
7 remain.

8 SEC. 5. Section 59011 is added to the Education Code, to
9 read:

10 59011. (a) Commencing with the 2004–05 school year, and
11 every three years thereafter, a certificated employee who instructs
12 deaf pupils and who has not achieved a minimum score of 4 on the
13 American Sign Language Proficiency ~~Index Interview~~ (ASLPI) or
14 an equivalent score ~~on the Sign Communication Proficiency~~
15 ~~Interview (SCPI) or~~ on an alternate test selected by the American
16 Sign Language ~~evaluation committee~~ *Competency Evaluation*
17 *Committee* of the California School for the Deaf that assesses
18 American Sign Language linguistic competency, shall retake one
19 of those assessments.

20 (b) A certificated employee who instructs deaf pupils and who
21 does not achieve a minimum score of 4 on the ASLPI or an
22 equivalent score ~~on the SCPI or~~ on an alternate test, as described
23 in subdivision (a), may not be subject to discipline. The
24 certificated employee shall be encouraged to study until that score
25 is achieved.

26 (c) Any fee imposed to take the ASLPI, ~~SCPI~~, or an alternate
27 test, as described in subdivision (a), shall be paid by the
28 certificated employee. If the certificated employee receives a
29 minimum score of 4 on the ASLPI or an equivalent score ~~on the~~
30 ~~SCPI or~~ on the alternate test, the California School for the Deaf
31 shall reimburse the certificated employee for that fee.

32 SEC. 6. Section 59012 is added to the Education Code, to
33 read:

34 59012. (a) For purposes of hiring an individual to serve as a
35 substitute teacher, preference shall be given as follows:

36 (1) First, to a candidate who achieves a minimum score of 4 on
37 the American Sign Language Proficiency ~~Index Interview~~
38 (ASLPI) or an equivalent score ~~on the Sign Communication~~
39 ~~Proficiency Interview (SCPI) or~~ on an alternate test selected by the
40 American Sign Language ~~evaluation committee~~ *Competency*

1 *Evaluation Committee* of the California School for the Deaf that
2 assesses American Sign Language linguistic competency.

3 (2) Second, to a candidate who achieves a minimum score of
4 3 on the ASLPI or an equivalent score ~~on the SCPI or~~ on an
5 alternate test, as described in paragraph (1).

6 (3) Third, to a candidate who achieves a minimum score of 2.5
7 on the ASLPI or an equivalent score ~~on the SCPI or~~ on an alternate
8 test, as described in paragraph (1).

9 (b) ~~A~~ *Except as provided in subdivision (c), a candidate who*
10 *fails to achieve a score of at least 2.5 on the ASLPI or who fails*
11 *to achieve an equivalent score ~~on the SCPI or~~ on an alternate test,*
12 *as described in paragraph (1), may not be hired as a substitute*
13 *teacher.*

14 (c) *The superintendent of the school may waive the*
15 *requirements of subdivision (b) if no candidate for the substitute*
16 *teacher position has achieved the minimum score required by*
17 *subdivision (b) and there is an immediate need to fill an open*
18 *position.*

